

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Samantha G. Iwu**
6316 Banbury Station
Brentwood, TN 37027

From: **Nashville Area Office**
50 Vantage Way
Suite 202
Nashville, TN 37228

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

494-2011-00577

David J. Smith,
Investigator

(615) 736-5928

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

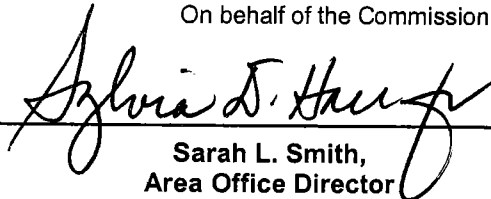
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Sarah L. Smith,
Area Office Director

FEB 28 2011

Enclosures(s)

(Date Mailed)

cc:

WALMART STORES, INC.
C/O LITTLER, MENDELSON, P.C.
Attn: Sarah Powenski, Esq.
One Biscayne Tower
2 South Biscayne Blvd. Suite 1500
Miami, FL 33131

John B. Iwu, Esq.
845 Bell Road, Suite 120
Antioch, TN 37013

Tennessee Human Rights Commission

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mrs. Samantha G. Iwu

Home Phone (Incl. Area Code)

(615) 833-1039

Date of Birth

06-19-1972

Street Address

6316 Banbury Station, Brentwood, TN 37027

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

WALMART STORE 3306

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(615) 226-4131

Street Address

1220 Gallatin Avenue, Nashville, TN 37206

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
 Earliest Latest
02-01-2010 12-22-2010

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I am a Black female. While employed by the Respondent I have been subjected to a racially hostile work environment and disparate treatment as compared to the White Managers. In retaliation for my complaints, I was subjected to unwarranted discipline, and continued and increased harassment which resulted in my constructive discharge effective December 31, 2010.
- Throughout my employment as Pharmacy Department Manager I have not received the support and equipment that is provided to White Managers. When Carolyn Pegram was assigned to my District under a reorganization the harassment and disparate treatment began which included, but was not limited to my inability to coach subordinate employees, being the subject of bias and racist investigations, issued unwarranted discipline, being denied medically necessary leave and being accused of faking illness even though I provided medical documentation. I have complained to Scott Ford, Kevin Cockern and Stephen Dew and no corrective action was taken. I most recently advised my Supervisor of the hostile and racist behavior of the Store Manager, Kellie Boner and in retaliation, the harassment increased which forced my constructive discharge effective 12/31/10.
- The Respondent discriminated against me in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When Required for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Dec 22, 2010

Date

Charging Party Signature

